

Claims 1 (independent) and 2 - 16 (dependent on 1) are in the application. No claim has been allowed.

With reference to the rejection of claims 1 - 3 and 14 under 35 U.S.C. §102(b) as anticipated by Satomura et al. `388, it may initially be noted that claim 1 recites "A temperature history displaying medium." In sharp contrast, Satomura et al. `388 describes only a "recording material," and the objectives of the reference are "To ensure a favorable developed color image" and "to obtain a stable developed color image." There is no description or suggestion, in Satomura et al. `388, that the described recording material could be used in a temperature history recording medium.

It is submitted that the above-quoted preamble recital in claim 1 is entitled to weight as a limitation in determining patentability, because it gives "life, meaning and vitality" to the claims, characterizing the elements comprising the article and recited in the body of the claim. See *Kropa v. Robie*, 88 U.S.P.Q. 478, 481 (C.C.P.A. 1951). A temperature history displaying medium is an article employed to display the temperature history of goods such as (by way of example, but without limitation) foods, medicines and the like, and is preserved together with (e.g., attached to) the good whose temperature history is to be measured (specification, p. 1; p. 19, lines 4-8). The characteristics of the claimed article as a temperature history displaying medium are defined by the recital "A temperature history displaying medium" in claim 1.

Since Satomura et al. `388 does not describe any temperature history displaying medium made or constituted of the recording material therein set forth, it does not anticipate present claim 1, or any of claims 2, 3 and 14 dependent thereon. Further, since Satomura et al. `388 does not intimate that the described recording material could be used in a temperature history recording medium, it would not suggest or make obvious the provision of a temperature history recording medium constituted of

such material; hence claims 1 - 3 and 14 distinguish patentably thereover by virtue of the recital of a temperature history recording medium in claim 1.

Claims 1 and 4 - 16 have been rejected under 35 U.S.C. §103(a) as unpatentable over Furuya et al. '115. Like Satomura et al. '388, Furuya et al. '115 does not disclose or suggest the use of its described recording material in a temperature history recording medium. Therefore, by a parity of reasoning, it is submitted that the recital of a temperature history recording medium in claim 1 distinguishes claims 1 and 4 - 16 patentably over Furuya et al. '115.

For the foregoing reasons, it is believed that this application is now in condition for allowance. Favorable action thereon is accordingly courteously requested.

Respectfully,

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